

## GIVES THE LIE

**Ballinger Denies Charges  
Made by Hitchcock.**

## FUNDS NOT MISUSED

**Secretary Admits a Part of Al-  
legation Is True.**

## LEGAL AUTHORITY IS CITED

Discussing Attack Made Upon His Administration of the General Land Office by Nebraska Member of Congress, Urging a New Probe, the Cabinet Official Explains that Extravagance and Favoritism Were Not Practiced. Ballinger Appointed by Garfield.

"It is an unclean, malicious, and studied lie," said Secretary Ballinger, last night, in regard to the charge of Representative Hitchcock, made before a committee of the House yesterday, that the position of special inspector of offices was created in order that Jack Ballinger might return home to Seattle at the expense of the government.

"In the first place, Jack Ballinger is not my nephew, but a cousin, several times removed," added the Secretary, "and in the second place I had retired from the position of Commissioner of the General Land Office and been relieved of all duties when he left Washington."

**Alleged Misuse of Funds.**  
Representative Hitchcock made specific charges of extravagance and favoritism in the Land Office during the Ballinger regime, and he used the case of young Ballinger as a striking example of alleged misuse of appropriations.

"There is just enough truth in what the Representative from Nebraska said to hang a story on," explained Secretary Ballinger. "When I was appointed to the position of Commissioner of the General Land Office by President Roosevelt with the understanding that the office was to be reorganized, I was not personally acquainted with any officers or clerks in the Land Office, and desired to have as a confidential clerk or secretary some one whom I knew. J. H. Ballinger was appointed to an excepted position under an Executive order issued by President Roosevelt, so he might serve as my confidential secretary."

"The alleged charge that Law Clerk Wright was demoted to make room for Mr. Ballinger is false. The reduction in question was made in connection with the reorganization of the law board, and designed to obtain a more active man for the arduous duties attached to that position. Judge Wright, through advanced age, was nearly eighty years old, and failing health, having become physically disqualified to perform his duties."

**Received Much Consideration.**  
"J. H. Ballinger was not appointed to the position held by Judge Wright, nor was he ever a member of the board of law review. To the contrary, the vacancy caused by Judge Wright's demotion was filled by the appointment of Judge Gray, then chief of a division. Judge Wright and his family received the utmost consideration at my hands."

"Mr. Ballinger never served as an inspector of the General Land Office. On July 2, 1898, he was detailed to field duty to inspect local land offices, and served under that detail until September 14, 1898, when he resigned. Mr. Ballinger's detail and service in the field began four months after I left the office of Commissioner."

"The charge that the erection of a certain large brick chimney for a land office at considerable expense, it is assumed, relates to the construction of a new stack for the heating apparatus for the Interior Department buildings. The allegation that this stack was paid for without warrant of law and out of the \$1,000,000 appropriation for protecting the public lands is ridiculously false, for it was erected pursuant to a specific appropriation made for that purpose by Congress in the act of August 5, 1893."

**Congress Was Cognizant.**  
"The allegation that improper use of the \$1,000,000 appropriation occurred in the employment of eighty additional clerks is equally ridiculous, because the appropriation for protecting public lands (act of March 4, 1899), appropriated \$1,000,000 to be used for that purpose."

Continued on Page 4, Column 5.

## HUGHES TO DROP OUT.

**Done with Politics After Expiration  
of Governorship, He Says.**

Gov. Hughes, of New York, reached Washington last night to attend the conference of governors, before which body he will make an address to-morrow.

Asked if it is true that he intends to retire to private life at the expiration of his present term, Gov. Hughes said: "That statement is absolutely correct. I shall resume the practice of law when I leave the executive office."

"What about the Republican nomination for the Presidency in 1912?"

"I can only say in reply to that question that I intend to resume the practice of law when I retire as governor."

Consult the Floral Arranger  
about floral work. Blackstone, 14th & H.

DOES VIRGINIA OWN  
ALEXANDRIA COUNTY?**Hon. Hannis Taylor, in Elaborate Opinion, Holds  
the Retrocession Was Clearly Illegal  
and Unconstitutional.**

Was the act of July 9, 1846, under which the County of Alexandria, then in the District of Columbia, was re-ceded to the State of Virginia unconstitutional?

Hon. Hannis Taylor, former Minister to Spain, and a constitutional lawyer of distinction, has prepared an elaborate opinion on this subject, which was presented to the Senate yesterday, in which he holds that the retrocession was clearly illegal and unconstitutional.

"If the retrocession to Virginia is to stand," he says, "then the land underlying the Capitol, the White House, and the Treasury belongs either to Maryland or the local proprietors to whom it was granted. The nation can only be protected against that result by a judgment of the Supreme Court of the United States declaring the act of retrocession of 1846 to be null and void."

## Complete Answer Found.

What is the remedy?

"The complete answer," he says, "is to be found in the opinion of the Supreme Court in the case of The United States vs. Texas (143 U. S., 621-649), in which it was held that the Supreme Court can, under the Constitution, take cognizance of an original suit brought by the United States against a State to determine the boundary between one of the Territories and such State; that the Supreme Court has jurisdiction to determine a disputed question of boundary between the United States and a State; that a suit in equity begun in the Supreme Court is appropriate for determining a boundary between the United States and one of the States."

He quotes from the opinion rendered in this case, and says that it solves every problem that can possibly arise in an original suit between the United States and Virginia as to the boundaries of the District of Columbia.

**Act of 1846.**  
His opinion as to the constitutionality of the retrocession is based upon the contention that the act of 1846 broke a quadrilateral contract entered into on the one hand by the United States and on the other by Virginia, Maryland, and the nineteen local property-owners in Washington.

The United States, through the act of Congress of July 10, 1790, passed under the constitutional mandate, agreed that "the District so defined, limited, and located, shall be deemed the District of Columbia."

"It is elementary in the law of contracts," he says, "that when two or more instruments are recorded at the same time or at different times which relate to the same subject matter, and one refers to the other, either tacitly or expressly, they will be taken together and construed as one instrument."

**Maryland's Right.**  
"Maryland," he says, "has a perfect right to claim of the United States, by reason of the recision of the original quadrilateral agreement, the return of every foot of land ceded by her and now embraced within the present limits of the District."

"That right Maryland can enforce in any original suit against the United States in the Supreme Court under the authority laid down in the case of The United States vs. Texas."

"That great case," he says, "refutes most emphatically the contention made by Senator Hoar in the Senate on April 11, 1892, that the retrocession was a political and not a judicial question, and was settled by the political authorities, alone competent to decide it."

"The Supreme Court in the case in question decided that 'it cannot with propriety be said that a question of boundary between a Territory of the United States and the States of the Union is of a political nature and not susceptible of judicial determination by a court having jurisdiction of such a controversy.'"

**Constitutional Mandate.**  
"The constitutional mandate that requires the President to 'take care that the laws be faithfully executed' compels him to ascertain and determine the limits of territory over which they are to be enforced."

And in conclusion he says: "In determining all questions of boundary, whether foreign or domestic, the initiative in this country is vested in the Executive acting alone. While he may advise with Congress as to the steps he may take in ascertaining boundaries, while executing the laws within the same, the President cannot surrender his exclusive power to ascertain what they are."

As a practical illustration, if in this matter the President believes that Virginia is in lawful possession of that portion of the District described in the act of 1846, it is his constitutional duty to "take care that the laws be faithfully executed" in that area, regardless of any contrary opinion of the majority of the House of Representatives. It is, however, in his humble judgment, a case in which there should be friendly consultation between the executive and legislative departments, because in the event of a protest in the Supreme Court Congress would not doubt be called upon to pass such a bill of indemnity as would relieve Virginia of any accountability for revenues derived from the area in question during her de facto occupation.

**Goes in the Record.**

Senator Carter, in presenting the elaborate brief written at his request by Mr. Taylor, asked and was granted unanimous consent to have it printed in the Record, and also as a Senate document. He said:

"The subject is of absorbing interest to the people of the District and will surely challenge the attention of the country with constantly increasing force as the growth of the Federal city and the expanding needs of the government demonstrate more fully the wisdom of President Washington and his co-laborers in fixing the District lines as originally marked."

To the United States government the subject is of

Continued on Page 3, Column 4.

**Mrs. Elsie Sigel Dead.**

New York, Jan. 17.—Mrs. Elsie Sigel, widow of Gen. Franz Sigel, died to-night at the home of her daughter, Mrs. Lella Schell, 1929 Simpson street, the Bronx. Mrs. Sigel has been ill since the death of her husband six years ago, when she had a stroke of paralysis. For the last two weeks her condition had been growing steadily worse.

## WEATHER FORECAST.

For the District of Columbia, Maryland, and Virginia—Rain and warmer to-day; to-morrow, fair and colder; brisk, possibly high, southerly winds, shifting to northwesterly by to-night.

## HERALD NEWS SUMMARY.

Pages.

1—Ballinger Gives the Lie.

Civic Federation Cheers Pinchot.

Hannis Taylor on Recession.

Gov. Swanson on Income Tax.

John R. Walsh Still Hopeful.

Republicans War on Democrats.

Many Governors Reach City.

Roosevelt Ends African Hunt.

Theaters.

Society and Personal.

Board of Trade Meets.

Editorials.

7—In World of Women.

8—Sporting.

9—Ambassador Nabuco Passes Away.

Leon Shanks Are Played.

10—Daily Court Record.

11—Markets.

12—Municipal Architect Alarmed.

LIBERALS NOT HURT  
BY UNIONIST GAINS**Ministerial Majority of 100  
Now Predicted.**

London, Jan. 17.—A further net gain of fourteen Unionist seats in the House of Commons is the result of to-day's polling in the general election.

It tends to show that the Liberals will have a working majority with the aid of their Labor and Socialist allies, while disregarding the Nationalists.

The popular vote to-day again shows the unfortunate position of the Unionists. The latter polled a total of 988,000 votes, against 517,000 for the Liberals, Laborites, Nationalists, and Socialists combined, and yet the Unionists won only forty-eight seats, while their opponents captured fifty-six.

Including to-day's elections and ignoring the contested cases, the strength of the rival parties in the new Parliament thus far is as follows:

Liberals 75, Laborites 16, and Nationalists 13. This gives the government coalition a total of 105, as opposed to 92 for the Unionists. As one-third of the members are now chosen, a ministerial majority of fully 100 seems assured.

**Called Americans Vulgar.**  
Steadman (Laborite) was defeated by Maj. Archer-Shee, whose wife is a daughter of Alfred Peil, of New York. Steadman said during the campaign that the only recommendation that Maj. Archer-Shee had was that he had "married an American lady, and you know the almighty dollar is very good."

"I have been on the continent at hotels," he added, "with these Americans, and I am told that they are a low and vulgar lot. Because they have dollars they think they can rule the world with their wealth."

This speech caused much indignation, and Steadman was defeated by a majority of 64, whereas he carried the same district in 1906 by 372.

All members of the late ministry who were voted for to-day retained their seats, but the majorities in every case fell.

John Burns in Battersea dropped from a majority of 1,660 to 555. He polled 1,153 votes more than he did in 1906, but his opponent had 2,398 more supporters than he had four years ago.

Birrell's majority at North Bristol fell from 2,362 to 1,396, while his total poll was reduced.

Arthur J. Balfour, the former premier, holds his seat. His colleague, Sir Frederick Banbury, was also elected.

**John Malady Dead.**

Winchester, Va., Jan. 17.—John Malady, a well-known resident of Winchester, died to-day, aged eighty years. Mr. Malady was a native of Westside, Ireland, and came to this city shortly after the war. Besides his wife, one daughter, Miss Lizzie Malady, survives.

**MIDDLETON'S APPOINTMENT AS  
POLICE JUDGE IS WITHHELD**

Some days ago it was announced, semi-officially, that Arthur E. H. Middleton would be appointed judge of the Police Court, vice Judge Kimball, whose term has expired.

Attorney General Wickensham, it is understood, recommended the appointment, but the announcement led to immediate and vigorous protests, and the nomination was not sent to the Senate yesterday as expected.

SEEK THE ELIMINATION  
OF JAMES AND RAINEY**Organization Wants Republican Names on Com-  
mittee for Ballinger Investigation in Place  
of Pinchot Partisans.**

The House organization is making desperate efforts to secure enough insurgent Republican votes to eliminate Representative Ollie James, of Kentucky, and Representative Rainey, of Illinois, from the Ballinger investigating committee, substituting for their names those of two Democrats whose designation is desired by the Speaker.

It is the belief of the organization that if it is successful in this move, its defeat of ten days ago in the House will be offset, and the way paved for restoring the prestige of the Speaker.

From every quarter of the organization yesterday came criticism of the Democratic caucus action in electing Messrs. James and Rainey. The insurgents had their ears filled with it, and were surrounded by organization men begging them to stand by "the party" and not be dominated by the Democrats.

Names of quite a number of insurgents were triumphantly carried to the Speaker's room, and from present indications enough insurgents have been won back to the Speaker's side to insure the defeat of the Democrats, and those insurgents who are of the belief that it is the right of the minority to select its own men.

The organization figures that the defeat of Messrs. James and Rainey would also afford an opportunity for a possible division among the House Democrats.

In case the organization can assure itself that it can control the situation, it is reported that the committee will contain the names of two Democrats who would be particularly objectionable to their party by reason of former votes in the House. Representative Moon, of Tennessee, and Representative Howard, of Georgia, are among those mentioned as possible candidates of the organization.

It is stated that in the event the organization finds that it cannot control the committee by a vote of the House, the names of Messrs. James and Rainey will be presented and the matter will end there.

Senator Hughes, of Colorado, and Senator Clarke, of Arkansas, who has been practically agreed upon for the two minority members on the Senate side of the committee, have declined to serve.

It is understood that Senator Hughes feels that certain speeches made by him in Colorado criticizing the Forest Service would make it improper for him to serve, while Senator Clarke is busy with other Congressional duties. Senator Payne, of Kentucky, and Senator Fletcher, of Florida, will therefore go on the committee as the minority members.

**APARTMENT HOUSE  
FIRE PROVES FATAL**

**Three Die and Many Are In-  
jured in Philadelphia.**

Philadelphia, Jan. 17.—This afternoon fire destroyed the Hollingsworth, a seven-story apartment house at 4213 and 4215 Walnut street. There were in the building at the time perhaps thirty men, women, and children. Some few escaped by means of the elevator and front stairs, some leaped from windows, some fled down a walled fire escape in the rear.

Three died. One woman was a helpless paralytic, whose nurse was forced to abandon her charge. Another woman became confused, and was burned to death. Both these bodies were buried under the mortar, bricks, and timbers. A third woman, rescued, died of heart failure a few steps away from the fire trap.

Many persons, occupants, rescuers, and firemen, were injured.

The loss is \$150,000.

**McCARREN MAN OUSTED.**

New York, Jan. 17.—Street Cleaning Commissioner Edwards removed from office this afternoon Owen J. Murphy, the deputy in charge of Brooklyn. The salary is \$5,000 a year.

Mr. Murphy is the Democratic leader of the Thirteenth Assembly district of Brooklyn. He owed his appointment to Senator McCarren, whose personal friend he had been for years. Mayor Gaynor approves the move.

**"SHOOT," SAYS MAYOR.**

**Citizens of Memphis Told to Kill  
Pickpockets If Possible.**

Memphis, Jan. 17.—Mayor E. H. Crump issued public notice to the citizens of Memphis to-day to be careful when boarding street cars, and if pickpockets attempted to rob them to kill them if possible.

He says that for political reasons thieves have been permitted to operate in Memphis with a free hand. He ordered the police force increased by 100 men, and says he will run every thief out of the city if it takes 1,000 patrolmen.

During the past week there have been an average of twenty-five persons robbed on street cars daily, and held up in dark spots in the city.

**Replaces Senator McLaurin.**

Senator Bankhead, of Alabama, is to be given the vacancy on the Commerce Committee occasioned by the death of Senator McLaurin, of Mississippi. The other committee assignments of Senator Bankhead will be given the new Senator from Mississippi.

## THE LORDS IN ACTION.



## AGAIN SELECT RAYNER.

**Maryland Caucus Renominates Sen-  
ator and State Treasurer.**

Annapolis, Md., Jan. 17.—The Democratic members of the Maryland legislature, in caucus to-night, nominated Hon. Isidor Rayner for United States Senator to succeed himself.

Murray Vandiver, chairman of the State central committee, was renominated for State treasurer. There was no opposition to either of them. Their election is assured, as the party has the necessary majority on joint ballot.

NEW TRIAL ASKED  
FOR JOHN R. WALSH**Request Made When Supreme  
Court Denies Writ.**

Chicago, Jan. 17.—A motion for a new trial for John R. Walsh, convicted of wrecking the Chicago National Bank, and denied a writ of certiorari to-day by the United States Supreme Court, will be heard by the United States Circuit Court of Appeals to-morrow. The new trial was asked late this afternoon, and the ground on which it was asked is the alleged misconduct of members of the jury.

The matter was arranged by Judges Seaman and Grosscup. District Attorney Sims demanded that the mandate committing Walsh to the Federal prison be issued at once, but the court decided to hear the motion of Attorney Miller for Walsh.

Almost the moment the decision was received in Chicago the final details of Walsh's financial settlement with the committee of bankers and attorneys representing the interests involved in his note of \$7,000,000 were arranged.

Walsh finally affixed his signature to the release of the \$4,000,000 securities that represent control of his railway and quarry properties.

The Supreme Court yesterday denied a motion for a writ of certiorari to review the sentence of five years in Fort Leavenworth prison, imposed upon John R. Walsh for misapplying the funds of the Chicago National Bank and making false returns to the Controller of the Currency.

**DIFFERS WITH TAFT.**

"The national incorporation act as proposed by the President does not appeal to me," said Gov. Harmon, of Ohio, last night. "From Columbus it looks like a device to help the trusts escape the present penalties of the Federal laws and to grant the corporations immunity from regulation by the States which have chartered them."

"Recent court decisions have threatened the trusts with dissolution. The whole trend is toward the exercise of more care by the States in their grant of incorporation rights and a stricter regulation by them of such corporations as they have created. Now comes the proposal that corporations shall escape all this by taking out a Federal charter. This looks like the confusion of license and liberty where corporations are concerned. We are not influenced by the appearance of it out none."

The governor also expressed himself once more as being opposed to the views of Gov. Hughes as regards the income tax. Mr. Harmon feels that the act as proposed would benefit the government, but not the State.

**SOLONS LONG-EARED.**

Atlanta, Ga., Jan. 17.—Dr. George Brown, a leading member of the Georgia legislature, to-day, in a public address, likened his colleagues to a lot of "jack-asses." Dr. Brown was addressing the tuberculosis convention on the possibility of securing State aid for the prevention of the white plague. He said:

"I have the misfortune to be a member of the Georgia legislature, and I have the profoundest contempt for that body. They won't help you."

"If you had a drove of Kentucky jackasses in the capitol and offered a prize for the one that, being prodded, could kick the longest, you would have a fair idea of the mental attitude of the legislature of Georgia. They will do nothing."

**Life Insurance Law.**

The desirability of uniform laws regarding life insurance was then taken up, the discussion being opened by Thomas E. Drake, superintendent of insurance of the District of Columbia. He said, in part:

"The general principles and rules which should underlie insurance are the same, and when enacted into law should be the same, unless where in some locality materially different conditions call for different methods."

"If Congress would enact a general insurance code or law for the District of Columbia covering generally and in detail everything relating to insurance and insurance companies that need be the subject of legislation, thus making a model insurance code or law, it would be easy for the different States, with such changes as are necessary to its application to the State, to enact the same."

"The question is as to what is the best

CIVIC FEDERATION  
WILDLY APPLAUDS  
PINCHOT SPEECH**"Drop Personalities and Re-  
deem Nation," He Says.**

## TAFT URGES CHANGES

**President Sees Need of Divorce  
and Marriage Laws.**

Uniform Legislation Given Many  
Nudges by National Leaders at Second Session Yesterday, the Presence of the Deposed Forester and the President Giving It a Unique and Thrilling Feature.

Declaring in emphatic terms that all personal differences should be forgotten and the present controversy entirely disregarded, Gifford Pinchot, in a stirring address which he delivered at the second session of the conference on uniform legislation called by the National Civic Federation, at the Arlington Hotel yesterday afternoon, urged all friends of the conservation movement to put forth their best endeavors in the cause, and especially to urge Congress to act at once on the recommendations made by President Taft.

There was an outburst of applause when Mr. Pinchot appeared on the platform, and he was compelled to wait several moments before he could begin, so hearty was the demonstration. He spoke calmly, but there was an earnestness about him that led the delegates to interrupt several times with applause.

**Pinchot's Address.**

He said, in part: "The policies now grouped under the name of conservation are of various ages. Some, like forest preservation, have been advocated by Americans for more than 100 years. Some, like the control of water power monopoly in the common interest, are younger than the present century."

"All of them to-day are in the valley of decision. We have come at last to the point of action, and we must either go forward or fall back."

"Here is a mighty field for uniform action and for co-operation between the States themselves, and between them and the nation."

"These conservation questions are to-day the overshadowing problems before the States and before all the people. How they are settled will affect every man now alive and every citizen of this nation as long as it shall endure."

"Public sentiment is prepared and awake. For the second time a President of the United States has endorsed these principles in a message to Congress. Most of the recommendations which the recent message contains are well known to the friends of conservation and well approved. If it has omissions or passages with which I disagree, I have no concern with them to-day. Specific bills have been prepared embodying the recommendations of the message. When they are made public, they will be the legitimate subjects for approval or criticism, and for careful scrutiny at every stage of their progress."

**Echoes Taft's Desire.**

"All that will come in its proper time and place. To-day the first consideration is this—that the friends of conservation must not be divided. The issues at stake far transcend every personal question. The plain duty of all the friends of conservation is to sink their differences, to unite on essentials, and to demand, with a unanimous voice, that Congress shall act on the President's recommendations, and act wisely and without delay."

"The President urges that the measures he recommends shall be taken up and disposed of promptly, without awaiting the investigation which has been determined upon. I echo his desire."

"Our duty is clear to look beyond and above all lesser strife in a common effort to reach objects of such transcendent importance to all the people. Now is the time for all good men to come to the help of the conservation movement, without regard to party, or prejudice, or any personal consideration whatsoever. The public good comes first."

**Dr. McGee Talks.**

Dr. W. J. McGee, of the National Conservation Commission, followed Mr. Pinchot, his subject being "Uniform laws relating to the use of water." He thought water should be regarded as the fundamental natural resource.

"Forest conservation and taxation" was discussed by Charles L. Pack, of New Jersey, who said the entire question should be kept free from politics.

Judge Parker, after calling the session to order, introduced as the first speaker Walter George Smith, president of the National Conference of Commissioners on Uniform State Laws, who delivered a long address on "Uniformity of legislation."

**Life Insurance Law.**

The desirability of uniform laws regarding life insurance was then taken up, the discussion being opened by Thomas E. Drake, superintendent of insurance of the District of Columbia. He said, in part:

"The general principles and rules which should underlie insurance are the same, and when enacted into law should be the same, unless where in some locality materially different conditions call for different methods."

"If Congress would enact a general insurance code or law for the District of Columbia covering generally and in detail everything relating to insurance and insurance companies that need be the subject of legislation, thus making a model insurance code or law, it would be easy for the different States, with such changes as are necessary to its application to the State, to enact the same."

"The question is as to what is the best

Continued on Page 2, Column 4.